

11 cv. 4047

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Umar Ali

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Kathleen Muvley  
Dora SchriroHildy J. Simmons  
Department of Correction  
Captain Steward - Bowden (1225)  
Captain Drinbar (212)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## COMPLAINT

under the 5  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)Jury Trial:  Yes  No  
(check one)

## I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Umar Ali  
ID # 241-10-07470  
Current Institution George R. Vierno Center  
Address 09-09 Hazen Street  
East Elmhurst, 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

|                 |   |                      |
|-----------------|---|----------------------|
| Defendant No. 1 | Name <u>Kathleen Muvley</u>                               | Shield #             |
|                 | Where Currently Employed <u>Warden of G.R.V.C.</u>        |                      |
|                 | Address <u>09-09 Hazen St</u>                             |                      |
|                 | <u>East Elmhurst, 11370</u>                               |                      |
| Defendant No. 2 | Name <u>Jora Schrro</u>                                   | Shield #             |
|                 | Where Currently Employed <u>Department of Corrections</u> |                      |
|                 | Address <u>75-20 Astoria Blvd</u>                         |                      |
|                 | <u>East Elmhurst, 11370</u>                               |                      |
| Defendant No. 3 | Name <u>Hildy J. Simmons</u>                              | Shield #             |
|                 | Where Currently Employed <u>Board of Corrections</u>      |                      |
|                 | Address <u>51 Chambers Street</u>                         |                      |
|                 | <u>NY, NY</u>   |                      |
| Defendant No. 4 | Name <u>Steward-Bowden</u>                                | Shield # <u>1225</u> |
|                 | Where Currently Employed <u>George R. Vienro Center</u>   |                      |
|                 | Address <u>09-09 Hazen St</u>                             |                      |
|                 | <u>East Elmhurst, 11370</u>                               |                      |
| Defendant No. 5 | Name <u>Dunbar</u>  | Shield # <u>212</u>  |
|                 | Where Currently Employed <u>George R. Vienro Center</u>   |                      |
|                 | Address <u>09-09 Hazen St</u>                             |                      |
|                 | <u>East Elmhurst, 11370</u>                               |                      |

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Rikers Island  
George R. Vienro Center

B. Where in the institution did the events giving rise to your claim(s) occur? Rikers Island  
George R. Vienro Center 11A 11B and 13A housing areas.

C. What date and approximate time did the events giving rise to your claim(s) occur? The events of my claim occurred from December 20, 2010 up until today's date.

D. Facts: From December 30<sup>th</sup> of 2010 to todays date I have been denied my first amendments rights, free exercise clause, and establishment Clause as a muslim. I am entitled to religious freedom under the US Constitution, To be free to exercise religious worship without discrimination or preference. I filed numerous grievances, wrote complaints, or spoke with all attached defendant regarding my denial of muslim services on Friday (Jummah) which is mandatory for muslims. The allege reason for denial is because I am in disciplinary housing. O.B.C.C is also a disciplinary housing and they allow Jummah Friday. G.R.U.C allowed Ramandan for muslims and there wasn't any legitimate penological issues. The same precautions taken to conduct Ramandan can be taken to assure Jummah Friday every Friday at G.R.U.C. Jummah Friday and Ramandan is equally important. When reporting my religious issues to supervisors they say my claim isn't relevant. The religious leaders of many religion speak with and conduct worship with inmates, due to supervisor authority, all except a Iman (muslim leader). Supervisors have many different leaders specifically assigned to G.R.U.C disciplinary housing, all except Iman (muslim leader). I feel they are favoring all religions except islam, and giving special treatment to other religious groups. Steward-Bowden and Dunbar both told me muslims don't need to gather "we're terrorist". This is untrue I just would like to practice my religion.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received: extreme Pain and Suffering

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Parkers Island George R. Vierno Center

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes  No  Do Not Know

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes  No  Do Not Know

If YES, which claim(s)? Religious Right, first Amendment

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes  No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes  No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

Board of Corrections, Department of Corrections, George R. Vierno

1. Which claim(s) in this complaint did you grieve? I grieved all claims in this Complaint.

2. What was the result, if any? NO results.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

Complaints to Warden of George R. Vierno Center, Complaints to Board of Corrections, Department of Corrections, Prisoners Rights Projects and an Article 78

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

\_\_\_\_\_  
\_\_\_\_\_

2. If you did not file a grievance but informed any officials of your claim, state who you

informed, when and how, and their response, if any: I informed Captain Steward-Bowden, Captain Dunbar, Ms. Francise (social worker) Mental Health Staff and numerous other employee's during the entire duration OF this Violation OF Rights.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. MY Family Called Board Of Correction Inspector General, Department Of Correction. I [REDACTED] Filed an Article 78 and Wrote numerous Complaints.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I am sueing the attached defendants and the Department of Correction for a Violation OF my First Admendments, Personal liberty, Pain and Suffering. I am sueing the attached defendants in there individual and Official Capacity - I'm requesting money damages OF 11 million, injunctive and declaratory Relief. All the attached defendants Acted With deliberate indifference. All supervisor became aware of a Violation OF my right, Yet Failed to remedy the Violation. Prison Officials also gave special treatent to Certain religious groups and Preferred other religions overs Islam

## VI. Previous lawsuits.

A. Have you filed other lawsuits in state or federal court, relating to the same or similar facts as this case?

Yes  No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes  No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20<sup>th</sup> day of May, 2011.

Signature of Plaintiff

Inmate Number

Institution Address



241-10-07470

George R. Vienro

09-09 Hazen St

East Elmhurst, 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 20<sup>th</sup> day of May, 2011, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

